U.S. Environmental Protection Agency Institutional Controls Tracking System
Federal Agencies Tracking System Focus Group
July 23 - 24, 2002
Washington, DC
U.S. Department of Energy Headquarters Building

Purpose

The purpose of this focus group was to gather the expertise of federal agencies on the subject of electronic tracking systems for institutional controls (ICs.) The focus group also provided a forum for participants to share their opinions on the challenges of IC tracking.

The participants are listed below:

John Bascietto, U.S. Department of Energy (DOE)/Office of Environmental Policy and Guidance (OEPG)
John Stewart, DOE/Office of Long Term Stewardship (OLTS)
Tish O'Conor, DOE/OLTS
Brendan Dooher, Lawrence Livermore National Laboratory
Cory Flowers, DOE
Mike Bellot, U.S. Environmental Protection Agency (EPA)/Office of Emerging and Remedial Response (OERR)
Stephen Merrill Smith, DynCorp
Kristen Burke, DynCorp
Matthew Hayduk, DynCorp
Mike Sowinski, DPRA
Andrea McLaughlin, Department of Interior (DOI)/Bureau of Land Management (BLM)
Derry Fivehouse, Air Force Base Conversion Agency (AFBCA)
Claire Biunno, AFBCA
Mario Ierardi, AFBCA
Tim Underwood, KPMG Consulting
Fred Bauermeister, Booz Allen Hamilton (BAH)/for Assistant Deputy Under Secretary of Defense (ADUSD)
Charles Wier, Agency for Toxic Substances and Disease Registry (ATSDR)
Rich Butterworth, General Services Administration (GSA)
LeeAnne Galanes, GSA
Brian Gedicks, GSA
Bob Cribbin, U.S. Army Corps of Engineers (USACE)
Maureen Findorff, Marasco-Newton Group (MNG)
Mark Schewel, U.S. Department of Agriculture (USDA) Forest Service
Al Richard, USDA Forest Service
Nick Ta, U.S. Marine Corps
Rich Engel, U.S. Navy
Angela Atkins, U.S. Army

A DOE participant welcomed other participants to the meeting. He said that DOE was working with EPA on ICs and IC guidance because DOE cleanups are difficult and often result in long term residuals that need ICs. Therefore, tracking ICs to ensure long term effectiveness is a major issue for the DOE.

EPA/OERR summarized the research on ICs to date through a presentation. The EPA tracking system will cover Superfund, Resource Conservation and Recovery Act (RCRA), Underground Storage Tanks (UST), and Brownfields sites. A weakness with the EPA's current database - the Comprehensive Environmental Response Compensation and Liability Information System 3 (CERCLIS 3) - is that most ICs are entered as NOS (Not Otherwise Specified) or Deed Restrictions. IC information is not being entered into the system. EPA has found that none of it's existing IC tracking systems are effective. EPA needs a new system that is GIS-based, web-enabled, and has linkages to the tracking systems of other government partners. EPA plans to share this system with those who need or want IC information.

EPA/OERR summarized the direction of IC work – the information collection request, workshops, focus groups, data entry pilots, and a national IC conference. EPA/OERR briefly discussed the EPA Headquarters Focus Group, which met on June 5, 2002, the State and Tribal Focus Group, which met on June 18 - 19, 2002, and the Regional Focus Group, which met on June 26 - 27, 2002. There will be a Local Government Tracking System Focus Group in August or September, an Industry Focus Group in September, and a Community/Think Tank Group in September. It was suggested that the Industry Focus Group include representatives from real estate, banking, and the American Land Title Association.

A participant said that there is an added benefit to tracking ICs because it provides easy access to information by local governments. It would be great to have easy access to IC information and restrictions through on-line maps. Banks would avoid loans for contaminated property and would thereby avoid liability. Another participant added that there are other system users besides federal agencies; the data need to be accessible to other groups including the public and utilities. EPA's concept for different entry paths for different users is a good idea.

EPA/OERR said that the task of selecting and defining core data categories, and ensuring participation from the various stakeholders remained, and he hoped for input from the Federal Agency Focus Group participants (the group). EPA is interested in harvesting data from existing systems upon agreement of core data categories. A concern was that data tables and elements would need to be standardized to allow data sharing. EPA/OERR responded that EPA is interested in doing "20 percent effort to get 80 percent of the information." A participant said that if the proposed system is available to the public in a web-based format, high data quality standards would be required.

With regard to the matrix handout, EPA/OERR said this was a list of the universe of potential data categories, and that the group discussion would address EPA's immediate

need for evaluating the categories. Data sharing would be discussed at the October Workshop. EPA is also working on changing CERCLIS 3 to track IC media and objectives, and to revise the reference table so that physical controls are not listed as ICs. Concurrently occurring is a pilot effort to populate the IC Light system with information gathered on 72 data collection pilot sites. Preliminary results on IC Light are expected in October 2002. The summer of 2003 will see a National IC Conference possibly co-sponsored by EPA, Association of State and Tribal Solid Waste Management Officials (ASTSWMO), Department of Defense (DOD), DOE, International City/County Management Association (ICMA), and industry participants.

Presentations

The Air Force Base Conversion Agency's (AFBCA) Land Use Controls/Institutional Controls (LUC/IC) tracking database is a component of their LUC/IC Management Program. The system is designed to respond to DOD policy and the agency's own needs for the disposal of property. LUCs/ICs are managed through the use of four modules and a web program accessible to 32 bases. The modules include:

- the layering strategy worksheet, which identifies and assigns priority to "layers" of reinforcing mechanisms used to implement the use restrictions/controls on the property.
- the communication plan worksheet, which has a chart that becomes a data entry sheet for stakeholders, grantees, and grantors.
- the LUC/IC management plan worksheet, which is an integration document; it describes how LUCs/ICs are implemented, monitored, and enforced.
- the IC Tracking module, which is an external database for use by the general public and the regulators.

The system needed to be useful for a range of users and be compatible with any future DoD-wide system. The tracking module is user-friendly, and available to the public. It is a complete system, in that it informs users of the need to look up additional information on the property, where required. The 11 basic data fields are:

1. Real Estate Transaction Number - can track down information on the transfer (where, what property, etc.)
2. Environmental Site ID - Environmental DOD identifier; both the Real Estate Transaction Number and Environmental Site ID are attached to every IC
3. Type of IC (drop down list)
4. What Property is Affected (text field) - allows for GIS reference point, metes and bounds, text description, etc.
5. Management Responsibility (text field) - who monitors/manages/controls IC
6. Monitoring Frequency (drop down list)
7. Last Date Monitored/Inspected - date and time field
8. Termination Date/Inspected - date and time field
9. Source Document (text field)

10. Contact Title (text field)
11. Add Map (attachment)

The IC Tracking Model deployed to 5 pilot bases and will be deployed to all the bases by the end of the fiscal year.

A participant commented that the most expensive part of the Navy's Land Use Control Information System (LUCIS), was digitizing the maps. The presenter clarified that all Air Force sites tracked by the system are in reuse so maps should be more readily available.

Describing the system, the presenter said that the web-based system would allow a user to pull up a US map and click on a state to choose a site of interest. Data entry is limited to managers, and is disabled when the system is accessed publicly. The system's database consisted of simple structured query language (SQL) tables, and is currently being populated. The agency was also accepting feedback on the system.

Another AFBCA presenter spoke about AFBCA's national management information system (MIS). A LUC/IC module for MIS has been designed and tested. The data from the above web-based system gets entered in the LUC/IC module of the management system. The system uses LUC/IC Identifier (ID), site ID, and transaction ID. Users generate LUC/IC management reports and information by entering:

- general information,
- point-of-contact information,
- use restrictions (users can specify IC classifications that determine IC monitoring requirements),
- reuse selections,
- environmental conditions and objectives (the goal of the IC and media affected), and
- layering strategy (e.g., type of IC, point of contact, priority).

The agency plans to use point-of-contact information in the system to generate monitoring reminder letters to the grantees and the stakeholders involved in layering, and termination letters when its use restrictions are no longer required. The system also generates other reports.

A participant asked if special efforts were made to make the land transaction community aware of the system. The presenter responded that the community has been given hard copy reports and passwords to encourage use. The communication plan is used to identify contacts within the community and communicate information. EPA/OERR asked if the system will be managed by a contractor. The presenter said that their system is designed to be simple enough to not require contractor support. The points-of-contact are for notification to provide information regarding use restrictions on the property and remind the points-of-contact to take this into consideration when making decisions

regarding property use.

Someone asked if the Navy's approach is geared towards a guardian trust. The response was that the Navy is looking into a multi-state pilot effort but there is no policy requiring it. They would like to privatize much of the base transfer process to cover LUC monitoring and enforcement. A comment was made that a property interest to the trust would be required. A participant clarified that while it is not required, it is preferable to have an easement.

A presentation was made on the location of leaking underground fuel tanks (LUFTs) and public wells in California. There are 15,000 public drinking water wells and 450,000 private wells in California, many of which are near LUFT sites. The stakeholders wanted a GIS system. Starting with the location table, the system was developed to track location alias and contact address. A USACE tool was used to track contaminant data. The pilot was based in the County of Santa Clara, California. Avoiding java script, the tool was developed to be simply used through a web browser. The State of California passed a law that required all UST sites to submit data electronically (effective January 2002), allowing the system to receive groundwater and contaminant data. California has 110 local agencies, 9 regional boards, 44 department of health service offices, and 5,000 water agencies that would submit data.

To determine coordinates, the system used geocoding. Site owners were allowed to verify the information using passwords. When a site receives a permit, the site owner needs to provide a map that allows the location to be checked by regulators. The US Postal Service provides an accurate address-checking tool that costs one cent per address. Once the addresses are confirmed and maintained in a standard format, the system combines its data. The system has a list of contacts that receive an automatic email if there has been an unauthorized release. The oracle database is XML compatible and can be expanded by adding modules. US Geological Survey (USGS) quad maps can be viewed and images saved for reports. USGS flyover photos will be added in future. Users can pull up reports and the number of public water wells within ½ mile of the site. The URL for the system is http://geotracker.swrcb.ca.gov/.

The presenter added that a data system should be able to handle different levels of accuracy. The system cannot have low data quality levels as it is available to the public through the Internet. The system allows users to pull up the regulatory history and remedial actions of sites. The system has information on UST sites and there are plans to add Superfund sites. Only people with login rights to data ownership can change data. They have about 2,000 data owners including consultants, laboratories, case workers, and local agencies. Lawrence Livermore Laboratories plays an advisory role to the system developers. The total cost of the system was $1.5 million.

The facilitator facilitated the data categories discussion. She said that the goal of the discussion was to eliminate excess data categories from the Data Category Comparison Matrix (the matrix). The facilitator outlined a four-tier grading scheme so that

participants could assign a tier to each data category:

Grade	Definition
A	Data categories that participants assigned the highest priority for tracking purposes
B	Data categories where a middle level of tracking priority was assigned; an average computed due to an equal number Grade A and Grade C votes
C	Data categories that participants assigned the lowest priority for tracking purposes
D	Data categories that caused strong disagreement

The facilitator presented the matrix comparing elements tracked by federal systems to the participants, and explained the color key:

Color	Meaning
Green	A match between possible EPA data category and a data category that a federal system is already using
Light Orange	No match between a possible EPA data category and the data categories used by a federal system -- light orange data categories are also marked "not available"
Dark Orange	A data category tracked by a federal system, but not listed in EPA's possible data categories
Teal	A data category tracked by federal systems, but not on the EPA list of possible data categories because the category is tracked by EPA in another system such as CERCLIS 3

The facilitator also explained that the matrix is divided into six sections that address different aspects of ICs that may need to be tracked:

- Appendix 1 involves site information data categories,
- Appendix 2 involves IC selection,
- Appendix 3 involves IC implementation,
- Appendix 4 involves IC monitoring and enforcement,
- Appendix 5 involves IC costs, and
- Appendix 6 involves GIS layers that may accompany IC information.

The facilitator said that she wanted to know what the participants thought of the information in those appendices. For instance, she suggested that the participants ask questions about what different data categories mean, whether those categories are important to track, and how important they are to track (*i.e.,* are they Grade A, B, or C).

Appendix 1

Site ID

The discussion focused on LUCIS, which used Base Realignment and Closure (BRAC) ID. For larger sites, the site is the installation and it may have 10-20 parcels under different disposal authorities. The site ID is two tiered in many cases as the system needed both the installation ID and the parcel ID.

A recommendation to avoid the term "site" was made by many participants because there is an abundance of confusion among federal agencies as to whether the term refers to an entire facility (installation) or the actual area of concern for which an IC has been imposed.

The group agreed that "Site ID" was Grade A.

Program Information

This category was tracked by all systems. The group agreed that "Program Information" was Grade A.

Site Name

This category was tracked by all systems. The group agreed that "Site Name" was Grade A.

Site Address

The importance of this category depends on the size of the facility according to one participant. City and/or county information was more important than the street address for large sites.

A participant commented that most DoD systems do not track compliance sites, just restoration sites. This was linked to an earlier comment that these closed or closing bases may not be incorporated into towns yet; they may not have an address.

Another participant clarified that the Defense Site Environmental Restoration System ii (DSERTS ii) tracks BRAC and active sites whereas LUCIS tracks only BRAC sites.

The group agreed that "Site Location" was Grade A, but that "Street Address" was Grade C.

County

It was suggested that city and state information should be tracked if systems do not track site address.

Participants suggested that this category would be better described as "Locality (city/county/etc.)" because not all sites are located within counties.

The group agreed that "County" was Grade A.

EPA Region

This category is tracked incidentally by some systems. A question was asked why EPA Region should be tracked as point-of-contact information would be more useful. A participant said that the region is important to DOE. A comment was made that the USACE Real Estate Management System (REMIS) does not track this category. The group decided that "EPA Region" was Grade B/C.

Site Within Tribal Land Boundaries/Site Within 15 Miles of Tribal Land Boundaries

Participants said that this field is important to DOE and BLM.

DOE has used a 50-mile radius instead of 15-mile radius for tribal lands. There was a concern that a distance of 50 miles might be too large. There was agreement that a tribe within 50 miles of the site might be unrelated to the site. A participant felt that it is fine to have either 15 or 50 miles. Also, the DOE 50-mile distance was based on emergency planning. EPA/OERR said that each agency will need to look at its own needs and the needs of other agencies. He noted that 15 miles was a requested number - not a risk modeling number.

A comment was made that DOE sometimes used ICs to protect its natural resources. A participant clarified that protecting natural resources is not CERCLA. CERCLA 107, however, calls for the protection of natural resources. Participants agree that if there is contamination present, it make sense.

The group could not agree on this category. A Grade D was allocated.

Federal Facility Flag

The data category was not needed by the federal systems.

Congressional District

A comment was made that BLM would be interested in this field. DOE would also be interested. The group decided that "Congressional District" was Grade B/C.

Site Background

A participant said that users can link to a narrative in the larger AFBCA National Management Information System (MIS) but the category is not in their IC system.

Participants suggested using an alternate word to "site" due to the previously-stated reasons.

The group could not agree on this category. A Grade D was allocated.

Parcel Number

A comment was made that the USACE tracks it in their REMIS system. A participant

confirmed the same for the AFBCA Tracking system as for LUCIS. Another participant said that parcel numbers are not tracked by DoD's Restoration Management Information System (RMIS.)

It was suggested that tracking parcel numbers is beneficial if the federal government is still the current owner. Tracking whether the site is intended to be closed or sold would also be useful. Someone suggested a BRAC site flag. A participant added that there could be plumes that migrate off site.

The group decided that "Parcel Number" was Grade A.

Section, Township, Range

A participant explained that it is a surveying tool. It was suggested said that they would need this field or latitude - longitude. For older sites, this may be the only available information and not a latitude - longitude coordinate. A description of site location is often needed and this is one way to get that type of information.

Participants in general thought this locator information could be captured in the address field. It was noted that this type of information often contains errors. A suggestion was made that this information could be generated automatically if the system has a robust GIS system.

Participants suggested that EPA should be sure to clarify that the category refers to a land partitioning system used in western states, and does not refer to military testing/training ranges.

The group decided that "Section, Township, Range" was Grade B.

Site Reference Point

A participant said that data sharing was facilitated by using similar data fields for location information. A suggestion was made on using the state coordinate system and translating the information into latitude - longitude. In addition to the site point, the site boundary was key information.

LUCIS has latitude - longitude as a point of reference. A participant asked what one-call systems use. EPA/OERR responded that some use latitude - longitude and others use street addresses.

The issue of linking back to CERCLIS where parcel information was available, was brought up. A participant said that when the site is split up, there is still a need to report it upon property transfer. Another participant said that parcel is more important to BRAC than to active sites.

A participant said that installations are usually "parcelized" only when identified for disposal (e.g., BRAC). Note that BRAC is not the only method of disposing of excess DoD

property. Congressional mandates are a common alternate example that require administration by GSA.

It was suggested that parcel numbers are more compatible with the public access needs of this system. EPA/OERR added that the diverse range of stakeholders will ask a wide range of questions. It was also suggested that a data field giving information on when the field was updated would be useful in gauging data quality.

Participants suggested using an alternate word to "site" due to the previously-stated reasons.

The group decided that "Site Reference Point" was Grade A.

Site Reference Point Metadata

It was suggested that vertical measure should be its own data point with its own metadata. Many participants felt that this data category could be captured easily because it was known based on the data source.

Participants suggested using an alternate word to "site" due to the previously-stated reasons.

The group decided that "Site Reference Metadata" was Grade A.

Site Boundary

The facilitator summarized that this information can be tracked in a variety of ways. It was clarified that REMIS tracks acreage but not boundaries.

A participant thought it more important for this system to track IC boundaries. Another participant said that it is important to track site boundaries. The distinction between IC boundary and parcel boundary is important because property transfer affects parcels. A question was asked about a hypothetical situation where a site and a parcel were already selected by the data entry operator; what would the site boundary mean in this context? A participant said that a site is the same as an installation. Another view was that it is a matter of context and that the purpose is to validate the site's remedy that protects the installation as a whole. It is important for people to know that the IC protects the site. A comment was made that the purpose of the matrix is to define categories that are needed for IC implementation. It was suggested that some focus be placed on liability too and there was a need to monitor areas outside of site boundaries. A participant responded that perspective is more about stewardship - not IC tracking. This is not a list of requirements for agencies. The facilitator added that the purpose is to track ICs. EPA/OERR said that we are trying to come to agreement on data categories.

Participants suggested using an alternate word to "site" due to the previously-stated reasons.

The group decided that “Site Boundary” was Grade B.

Operable Unit(s)
A participant said that the USACE tracks this information but he is not sure if it is a field in REMIS. It was thought that the AFBCA tracks it.

The group decided that “Operable Unit” was Grade B.

Hazardous Substance(s)
It was clarified that this information is summarized in LUCIS in a narrative form as the public will want to know what the contaminants are. This category is not available in the public part of the AFBCA system.

The group decided that “Hazardous Substance(s)” was Grade A.

Media Impacted
It was clarified that LUCIS tracks this in a narrative and in the GIS layers.

The group decided that “Media Impacted” was Grade A.

Engineered Controls/Remedy
A comment was made that remedy information might not be tracked in REMIS. LUCIS does track remedy information. The AFBCA system cites the source document that caused the IC to be imposed. This may just be the name of the document.

Some participants thought this category causes confusion. ICs can also be considered as remedies.

The group decided that “Engineered Controls/Remedy” was Grade B.

Cleanup Authority
The participants did not find this category useful.

The group decided that “Cleanup Authority” was Grade C.

Site Lead
There was a concern that the ICs in the tracking system are post-cleanup so it is not a relevant field.

Participants suggested using an alternate word to “site” due to the previously-stated reasons.

The Group decided that “Site Lead” was Grade C.

Site Status

Again, the participants thought that sites within the tracking systems are post-cleanup so this would not be a relevant field

Participants suggested using an alternate word to "site" due to the previously-stated reasons.

The group decided that "Site Status" was Grade C.

Site Contact(s)
LUCIS has this information. The AFBCA system did not track individual names but titles. REMIS tracks the district.

Participants suggested using an alternate word to "site" due to the previously-stated reasons.

The group decided that "Site Contact(s)" was Grade A.

Environmental Baseline Survey
A participant said that environmental baseline surveys (EBS) may cover more than one conveyance parcel as it describes how the site was cleaned up. The AFBCA National MIS system keeps the EBS in the administrative record and have the document for internal use; there would be no benefit in public access. LUCIS managers had taken the opportunity to have EBS documents converted when a contractor was doing PDF work for LUCIS. Another participant said they do not update EBS documents in all branches. It was asked why EBS would impact ICs.

The group decided that "Environmental Baseline Survey" was Grade B.

Five Year Review Information
This information was tracked by two systems (DSERTS ii, RMIS).

The group decided that "Five Year Review Information" was Grade A.

NPL Flag
Participants said that they would like to track this because many federal systems have non-NPL sites. This is important to BLM and DOE.

A participant suggested avoiding additional categories to keep the proposed system manageable.

The group decided that "NPL Flag" was Grade B.

Appendix 2

IC ID

The AFBCA system assigns unique IDs for each instrument/media combination. The system assigns sequential numbers. A comment was made that it does not matter how many LUCs exist; of more interest is knowing how many sites have ICs. EPA/OERR said that he gets asked the number of ICs to estimate work load. This category is important to DOE.

The group decided that "IC ID" was Grade A.

IC Description
This category was tracked by most systems and participants agreed on its importance.

The group decided that "IC Description" was Grade A.

IC Category
This category is tracked in the layering strategy document but not in the AFBCA system. It was determined that this category was not important to track.

The group decided that "IC Category" was Grade C.

IC Sub-Category
The type of IC is not specified in LUCIS but people can look at the document to determine it since the transfer document is linked to LUCIS. EPA/OERR asked participants to keep in mind that this appendix deals with IC selection. It was determined that this category was not important to track.

The group decided that "IC Sub-Category" was Grade C.

Media of Concern
This is tracked by LUCIS, DSERTS ii, and the AFBCA system. BLM and DOE also thought IC Media to be important.

The group decided that "Media of Concern" was Grade A.

IC Objective(s)
EPA/OERR reminded the group that this Appendix was concerned with IC selection. This is because some Remedial Project Managers (RPMs) are willing to state the IC objectives at an early stage, but do not know the exact mechanism at IC selection phase. The facilitator summarized that it is important to track some of this information. A participant added that this information is in the AFBCA's management plan but not in the tracking system; some information items are available but cannot be queried.

The group decided that "IC Objective(s)" was Grade B.

Remedy Protected by IC
There was a concern that if IC objective is assigned Grade B, the remedy should also be

assigned Grade B. This information is not a core element in LUCIS; it becomes part of the five year review process.

Participants again brought up the issue that ICs may be considered as remedy components themselves. A suggestion was made to re-state the category as "Remedial Action Objective of the IC"

The group decided that "Remedy Protected by IC" was Grade B.

Activity or Use Limitation of IC

A participant recommended avoiding the terminology used in this category as this was the CERCLA remedial action objective. It was recommended that EPA use the CERCLA terminology. Activity or Use Limitation (AUL) is a term developed by ASTM that is basically the same as the term LUC used by DoD.

BLM would track uses that are allowed to occur on the land. A participant said that all of these elements are related to what the IC is, why it is there, what does it do – answers to these questions must be provided. EPA/OERR asked if BLM tracks what one can do on the land and what one cannot do. A participant responded that they would also track what one cannot do. BLM sometimes list what one can and cannot do. For example, there can be industrial use with certain limitations. The AFBCA system was designed to respond to requests, so they have a simplified set of use restrictions.

A question was asked if systems are populated with this information after the IC is put in place. Most systems are set up this way. EPA would want to track selection and implementation. EPA/OERR asked what the group thought of tracking ICs starting with selection. A participant said that at some mission sites, the ICs change as parcels are sold so some ICs are interim. It was added that EPA has had criticism because Records of Decision (RODs) contemplate ICs but they were not implemented. DOE recognizes this as a problem. The facilitator asked if it is important to track this type of information at IC selection. Participants felt it important. These factors address selection of a remedy and remedy selection factors.

DoD participants expressed concern about the current dispute between HQ EPA and DoD regarding post-ROD authority for ICs. DoD participants also pointed out that post-decisional information generally would not be something DoD would track on a public system. Therefore, all data elements pertaining to implementation likely would not be shared by DoD.

There was a concern about the kind of information entered into the system for IC selection. Previously, systems allowed broad "land use controls" as a category without specifying further. What was EPA trying to capture? EPA/OERR responded that RPMs would enter information on remedy selection and could also use the system to help in decision making/remedy selection. This is not really applicable to BRAC sites. A participant added that they would not put this information in LUCIS, they would use it as a checklist. This

information is pre-conveyance and would just feed back into LUCIS later on.

A participant asked if EPA is developing a database for implementation or program management. The facilitator responded that EPA is interested in data harvesting and data sharing. EPA/OERR is looking at selection information because EPA is required to track it. A participant asked if a report is required for CERCLA sites. An annual report is required. EPA/OERR said that there was a need to start with selection and track ICs from there on, a life cycle management tool.

A participant expressed concern over the third party enforcement rights data element. The facilitator asked him to hold that thought for now.

The group decided that "Activity or Use Limitation" of IC was Grade A.

It was asked why enforcement and conveyance issues are in the selection appendix. EPA/OERR responded that EPA can accept property rights with state assurance only under certain conditions. The enforcement group pushed EPA to look into conveyance at the ROD stage. A participant said that the focus seems narrow because some states also accept conveyance of property rights; EPA may want information if there is a third party conveyance and then the specific type could be tracked.

Third Party Enforcement Rights
EPA/OERR said that EPA does not want data owners to release sensitive information. A participant asked if this category was related to the conveyance data category.

The group disagreed on this category. It was assigned a Grade D.

Risk Factors/Anticipated Future Land Use
The AFBCA system's layering strategy ranks ICs and the risk implications associated with the failure of the IC. However, this is available in the management plan document, not in the tracking system.

The Group decided that "Risk Factors/Anticipated Future Land Use" was Grade C.

Contact(s)
The participants determined this data category to be unimportant.

The Group decided that "Contact(s)" was Grade C.

Appendix 3

IC Called for by Decision Document
The AFBCA system includes the source document - a quotation from the document or an attached document. DSERTS ii also lists the document. A participant commented that this category would involve the ROD and other documents. The AFBCA system has many

different types of documents in addition to the ROD.

A suggestion was made that the title of this data element should be *IC Source Document*.

The group decided that "IC Called for by Decision Document" was Grade A.

Implementation Status
LUCIS does not have dates but it has the actual controls so people can refer to the document. The facilitator said that some people track it and others do not.

The group decided that "Implementation Status" was Grade B.

Duration
This category is important to BLM; they need to know when ICs expire. This category is also is tracked in the AFBCA system, and in REMIS where it is specific to the control.

The group decided that "Duration" was Grade A.

Implementation Party
The AFBCA tracks the management responsibility. This information is self-evident within LUCIS; conveyance of the property would mean imposing the IC. A participant added that this is not the information the field is looking for - information on management responsibility for the IC (local government, state, etc.). LUCIS does not track that particular information.

The group decided that "Implementation Party" was Grade B.

Implementation Issues
EPA/OERR explained that this category is designed to prevent people from making the same mistake twice.

The group decided that "Implementation Issues" was Grade C.

Termination Status
This category is tracked by several federal systems.

The group decided that "Termination Status" was Grade A.

Termination Initiation Party/Termination Approval Party
LUCIS does not track this field. Participants felt that for ICs that are in place for a long time, EPA needs to go back and revisit this issue.

The group decided that "Termination Initiation Party and Termination Approval Party" were Grade C.

Modification Information
LUCIS tracks this category. This category is lumped with termination information.

The group decided that "Modification Information" was Grade A.

IC Implementation Documents
Some federal systems already link to IC implementation documents.

The group decided that "IC Implementation Documents" was Grade A.

Contact(s)
A participant felt this category to be redundant given other contact categories. Other participants felt the contacts could be different, and address specific contacts related to the appendix. The facilitator asked if it is important to have different contacts for site, selection, implementation. Some suggested that just one contact would be satisfactory. Others differed in wanting to track different contacts. A participant said you could make it optional to enter additional contacts or check "same as above."

The group decided that "Contact(s)" was Grade A.

Appendix 4

IC Monitoring Requirements
DOE would want this data element. The AFBCA system does provide when the last monitoring occurred and the outcome of the monitoring.

The word "requirement" was thought by the Group to cause problems. A participant said monitoring information is available in the monitoring plan. EPA will get information on only five year reviews from them.

A question was asked if this appendix is a program management tool or informational database as the categories seem more program related. Participants were not sure if the information should be available to the public. The facilitator said that it might make sense to have previous monitoring information publicly available. It was clarified that the matrix did not distinguish between differentiated public access.

EPA/OERR gave the example of a BRAC site that was transferred to another agency and asked if it would make sense to pass along the information to them. A participant said that they would ask a private LUC tracking group to track this information. It was explained that the AFBCA tried to keep their system simple so they track only the last monitoring event; all other information is in a separate document. One participant found all of the appendices confusing except appendix 1, which was tracked by DoD.

The group decided that a Grade C under Appendix 4 would indicate that the information must not be released to the public. Separate grades were allocated based upon Program

Management and Public Release tracks. Five Year Review and Monitoring Findings was allocated Grade A for both tracks. The other categories were allocated Grade B for Program Management, and Grade C for Public Release.

The facilitatory adjourned the meeting for the day and briefly addressed what remained to be accomplished during the morning of the second day.

Second Day

A presenter from the USDA Forest Service talked about the US Forest Service System: Special Use Data System (SUDS). The agency manages 191 million acres of Forest Service land to promote development and encourage the public to move westwards. A US citizen can get a permit to use land for variety of uses. Many western towns are surrounded by federal land, and special use permits are required to place landfills on US Forest Service land. US Forest Service is working to clean sites up working with USDA, states, and potentially responsible parties (PRPs). SUDS currently covers 70,000 permits. Around 280 military sites use special use permits for training purposes.

On landfills, the permitted party is required to restore the land at the end of a permit. If this party becomes insolvent, US Forest Service cleans up the land. US Forest Service manages sites and has stewardship authority at many such municipal landfills. The boundaries have to be watched carefully for un-permitted uses occurring on US Forest Service land. The system currently consists of data fields. The aim is to integrate the existing GIS system with SUDS.

Appendix 4 (continued from the first day)

DoD does not track monitoring information. However, DoD does track five year reviews and has narrative field for the findings. There needs to be a legal drive for this information to be collected.

Appendix 5

No current federal system tracks cost information. Participants wanted to know alternatives for tracking long term costs of ICs. EPA/OERR said that he would like to see guidance on calculating IC costs. However, cost information would be needed first. He said that EPA plans to track costs in the future so it could be used in the decision process. He wants RPMs and PRPs to input this information into the system to produce IC implementation plans and IC cost estimates.

A participant said that with the exception of very small cleanups, the difference in costs of cleanup to unrestricted and industrial uses is two to ten times more and it does not make sense to do a cost comparison. In many cases, the recipients are municipalities or counties with responsibilities for monitoring and enforcing ICs. When these recipients agree to take on property, they also need to accept the accompanied responsibilities.

It was suggested said that cost will be tracked in the future. Some properties will have a significant amount of funding on ICs. However participants were unsure whether this cost information should be available to the public.

Another concern was that it would be hard to make a LUC work without the public knowing about it. Also, some communities might not want contaminant information available to the general public.

It was assumed that overall site costs are tracked by existing systems. A directive was issued to estimate costs facilitating the remedy decision process beginning October 2001. This would track program decision making at site. Capital costs, maintenance costs, and third party costs were considered.

DOE has an enforcement system that tracks costs but has no directive requiring estimates on LUC costs. The need to estimate costs is high.

The Navy took the lead within DoD in coming up with cost estimates for restricted use sites. The Army did a costs study and determined that there was not enough national information.

Regarding local systems, a participant said that municipalities had existing ordinance monitoring systems only if they really required them. Rural areas would be unlikely to have systems. Monitoring would occur where costs were low. If a need to set up restrictions and monitoring requirements emerged, the costs would be overly high. EPA/OERR said that those situations seemed different to the ones he envisioned. He thought that estimating costs of establishing and maintaining ICs is possible.

DoD approached PRPs to help pay for ICs in some cases but a lot of PRPs would not cooperate in calculating estimates. There needs to be a system in place to recover cost information. EPA/OERR said that he was trying to move in that direction but they first needed to determine what the costs are.

There was a suggestion that in addition to costs, there are also time consideration to be accounted for.

The group decided that all IC Cost categories were Grade B

Appendix 6

The AFBCA is not headed in the direction of GIS. This information is too difficult to gather for all installations. Also, this information is not likely to be made available to the public, although it is a logical category to track.

Some DOE sites have GIS systems with data and some do not. There is no DOE policy on doing GIS. Usually the big installations had more GIS-based information. The AFBCA is in a similar situation.

A participant said that GIS information is tracked for bigger installations but availability to the public would be curtailed due to homeland security requirements.

For Navy sites, there is a GIS-based system for Navy base comprehensive planning. However this only covered base boundaries. On closing bases, latest USGS data were used for major land features and have been incorporated into LUCIS. However, the contract for the information is fixed without much funding for updates over time and it would be futile to cover layers that will not be dynamic. There were also problems with road network coverage where it did not make sense to use resources for a closing site.

It was suggested that this is of more importance at the state level. Maps are expensive and so are regular updates. For ICs, GIS is not important.

A recommendation was made that for future projects, if a LUC was implemented, GIS could be used. For BRAC sites, no effort would be made to find this information.

A participant said that it seemed like the group was saying it was not important to see picture of IC boundaries. Another participant said this picture was important, and it could be a scanned map or hard copy. However, this need not be a GIS system; a scanned hard-copy would work perfectly fine. It was suggested that states are very interested in this type of information, but there was a concern that this might not be true for all states.

Someone said that the importance is on how DoD data relate to state data. It would be good to provide information to the state who can then relay it.

EPA/OERR said that judging from the comments of the four focus groups, it would be good to see a matrix that analyzed focus group results and the changes suggested by participants to the data categories. For instance, states participants initially complained about the large number of data categories that EPA had listed as possible data categories to track (in the left hand margin of the matrix) but after discussing these data categories, the state participants identified more data categories as priority than any other focus group.

A participant felt that this was a funding issue and also whether this system would be a real estate management tool or program management tool (which would involve more data).

EPA/OERR said that discussion at this focus group was different from others. The updated matrix and writeup would be sent to all participants for verification. An October conference was also planned, and to stay tuned.

Participants concerned with large sites, such as bases, suggested using an alternative word to "site" such as "facility." Also suggested was "Area of Concern" or "LUC Area." A question was asked if Area of Concern would be different from parcel boundaries. EPA/OERR said that terminology differences would be worked out at a later stage.

Adjournment

EPA/OERR thanked the participants for their thoughts, and proceeded to close the focus group discussion.